

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929**

**WP(C).No. 23155 of 2007(F)**  
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**(AGAINST THE ORDER IN I.A.898/07 IN OS16/07 OF THE  
MUNSIFF'S COURT, KANJIRAPPALLY)**  
  
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**PETITIONER:**  
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**SREEDHARAN, S/O. GOURI,  
KUMBUKKAL VEETIL, CHERUVALLY VILLAGE,  
KANJIRAPPALLY..**

**BY ADV. SRI.TITUS MANI  
SRI.S.SURAJ (PALATHANATHU)**

**RESPONDENTS:**  
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- 1. K.N.NARAYANAN, S/O. NARAYANA PANICKER,  
KUMBUKKAL HOUSE, CHERUVALLY VILLAGE,  
KANJIRAPPALLY.**
- 2. PONNAMMA, W/O. K.N. NARAYANAN,  
KUMBUKKAL HOUSE, CHERUVALLY VILLAGE,  
KANJIRAPPALLY.**
- 3. JOSHY, S/O. K.N.NARAYANAN,  
KUMBUKKAL HOUSE,  
CHERUVALLY VILLAGE,  
KANJIRAPPALLY.**
- 4. SHEELA, D/O. K.N. NARAYANAN,  
KUMBUKKAL HOUSE, CHERUVALLY VILLAGE,  
KANJIRAPPALLY.**
- 5. SHYNI, D/O. K.N.NARAYANAN,  
KUMBUKKAL HOUSE, CHERUVALLY VILLAGE,  
KANJIRAPPALLY.**

**BY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**M.N.KRISHNAN, J**

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**W.P.(C) No.23155 OF 2007**

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**Dated this the 30<sup>th</sup> day of July, 2007**

**JUDGMENT**

This writ petition is filed challenging the order of the Munsiff's Court, Kanjirappally in an application for issuance of a Commission filed by the plaintiff. The plaintiff claims right over the property by virtue of a Will No.26 of 1975 of the Karkachal Sub Registry and defendants claim right over the very same property by virtue of Document No.5558 of 2006. The court below dismissed the application stating that there is no identification dispute. A perusal of the order would reveal that one Commissioner had already inspected the property, though ex parte, had submitted a rough sketch and report. As law stands now the court cannot issue successive Commissions without setting aside the previous Commissions. I am not expressing anything on the merits of the case. But, I dismiss this writ petition with liberty to the petitioner to file an application either for remitting the Commissioner's report and plan or for setting aside the

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Commissioner's report and plan and the court, after hearing both sides, shall decide and dispose it of in accordance with law.

**M.N.KRISHNAN, JUDGE**

**Cdp/-**